

**Frequently Asked Questions & Answers for Wisconsin State Employees  
Regarding the Coronavirus (COVID-19) Pandemic**

**Note:** This document contains answers to frequently asked questions for state employees and was prepared by the Wisconsin Department of Administration in collaboration with the Wisconsin Department of Health Services. Responses below are in accordance with applicable collective bargaining agreements or state administrative code. If you have additional questions, please ask your supervisor.

**COVID-19 Vaccination Testing Requirements  
EMPLOYEE TESTING REQUIREMENTS**

**Updated 9/14/21**

Effective, **October 18, 2021**, any executive branch state employee, intern, or contract staff with access to the STAR HR System who has not provided documentation that they have completed their vaccine series must be tested at least weekly for COVID-19.

	1.	Is the State permitted to subject employees to COVID-19 testing?	Yes. The Equal Employment Opportunity Commission (EEOC) issued updated guidance on June 28, 2021, related to employer required COVID-19 testing. The EEOC explained that due to the COVID-19 pandemic “employers may take steps to determine if employees entering the workplace have COVID-19 because the individual with the virus will pose a direct threat to the health of others.” The EEOC has provided that testing administered by employers consistent with current CDC guidance will meet the ADA’s “business necessity” standard. Consequently, employers applying current CDC guidance may administer COVID-19 testing to employees before they enter the workplace.
	2.	Who does the COVID-19 testing requirement apply to?	This testing requirement will apply to all executive branch state employees, interns, and contract staff. Executive branch state employees, interns, and contract staff who are fully vaccinated from COVID-19 and have provided their vaccination status in the HR STAR system are exempted from this testing requirement. This requirement also does not apply to individuals who have an approved agreement in place to work 100% of the time at home and have no expectation, under any circumstances, to be physically present in a state facility or have contact with other state employees or members of the public while performing their duties.
	3.	How do I submit documentation of my tests results?	Employees, interns, and contract staff who are not exempted must submit testing information and documentation in STAR HR System under the My Information Tile - COVID-19 Vaccine/Testing Status section. Testing information and/or documentation of test results must be uploaded within 24 hours of completing the test and/or receiving the test results. Agency HR representatives can help employees who may have issues, or those without computer access upload their vaccination status documentation.
	4.	Who will my testing results be shared with?	The test results provided by employees will be considered confidential medical records and will be maintained separately for each employee who is tested as required under the American with Disabilities Act (ADA). The EEOC has indicated that disclosure of the name of an employee who tests positive for COVID to public health departments to assist in contact tracing is permitted. Should HR be asked for that information by a public health department, HR will comply with the request.

	5.	The policy notes “weekly” testing. What is the definition of “weekly?”	Weekly, within this policy, means every 7 days regardless of the days or shifts the employee works. This means if an employee tested first on a Tuesday, they would need to get the weekly test each Tuesday thereafter (at the latest). If they are unable to maintain a weekly testing pattern, they will need to ensure a test is on record within 7 days after the latest test. Unvaccinated employees on a paid or unpaid leave of absence resulting in a period of more than 7 days between tests must be tested within 72 hours of returning to work.
	6.	What if a person misses a week of testing or their test date falls a day late (had to test on the 8th day after the last test)?	The policy reflects that weekly testing must occur. The testing could occur at a more frequent interval if the employee cannot participate in the weekly test on the specific day noted. For example, the employee typically tests weekly on Tuesdays, but cannot be available for a particular Tuesday - that employee would need to ensure they get tested prior to that day (ex: Monday). Then the employee’s next test would be required within 7 days thereafter. If the employee exceeds the 7-day testing interval (unless because of an approved absence), they may be deemed unfit for duty, sent home in unpaid status, and may be subject to discipline.
	7.	Will employees be provided paid work time to get the COVID-19 vaccine?	Agencies and supervisors shall, to the maximum extent operationally feasible, accommodate requests by individuals to receive the COVID-19 vaccine during working hours. Accommodations may include allowing the individual to remain in pay status, providing flexible work schedules, allowing short notice requests for leave, and/or other flexibilities at the discretion of the agency.
	8.	Can I still submit proof of my COVID-19 vaccination status?	Yes. Beginning <b>October 18, 2021</b> , any executive branch state employee, intern, or contract staff who has not provided documentation that they have completed their vaccine series must be tested at least weekly for COVID-19. Individuals may provide proof of vaccination status up to and following this date but will be subject to weekly testing until they are fully vaccinated.
	9.	Will employees be required to use their own leave time if sent home due to a positive COVID-19 test?	Employees will be required to use personal paid leave time just as they would if they are sent home or call-in sick due to other illnesses. Employees should work with their respective Human Resources Offices if they have questions.
	10.	Who is responsible for the COVID-19 testing costs (employer or employee), specifically for those State employees working in areas with no State-provided testing options?	DOA, in consultation with DHS, will provide agencies and individuals with information regarding free testing locations and procedures that individuals can use during their working hours. In addition to the state-provided free testing options, employees, interns, and contract staff will also have the option of obtaining a weekly test on their own time via their health care provider, pharmacy, local public health office, or community-based testing location. Employees, interns, and contract staff who opt to use a non-state-provided testing provider will be responsible for any costs associated with the test.
	11.	What if an employee refuses to submit to COVID-19 testing when required?	Employees subject to testing requirements who refuse to submit to mandatory testing will be deemed unfit for duty, sent home in unpaid status, and may be subject to discipline. Supervisors should work closely with their HR representatives if this should occur.